

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

<b>RACHEL RAMSBOTTOM,</b>	)	
<b>ALEXIS BOWLING,</b>	)	
<b>JENNA HOUSTON, JANE DOE #1</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	<b>CIVIL ACTION NO. 3:21-cv-00272</b>
<b>v.</b>	)	
	)	<b>JURY TRIAL DEMANDED</b>
<b>LORIN ASHTON, AMORPHOUS</b>	)	
<b>MUSIC, INC., BASSNECTAR</b>	)	
<b>TOURING, INC., REDLIGHT</b>	)	
<b>MANAGEMENT, INC., C3 PRESENTS,</b>	)	
<b>L.L.C, INTERACTIVE GIVING FUND,</b>	)	
<b>GNARLOS INDUSTRIES, LLC,</b>	)	
<b>CARLOS DONOHUE, ABC</b>	)	
<b>CORPORATIONS, ONE THROUGH</b>	)	
<b>TEN (said Names Being Fictitious),</b>	)	
<b>JOHN DOES, ONE THROUGH TEN</b>	)	
<b>(said Names Being Fictitious),</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**DEFENDANT LORIN ASHTON'S PARTIAL MOTION TO DISMISS COUNT IV**

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Defendant Lorin Ashton (“Ashton”) respectfully moves this Court to dismiss Count IV of the First Amended Complaint (the “FAC”) filed against him by Plaintiff Rachel Ramsbottom (“Ramsbottom”) pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted.

First, Ramsbottom’s negligence *per se* claim – Count IV of the First Amended Complaint – is barred as a matter of law because it falls outside the applicable statute of limitations.

Second, even if Count IV is not time-barred, Ramsbottom’s negligence *per se* claim fails as a matter of law because Ramsbottom has not plead sufficient facts to show a violation of either Tenn. Code Ann. §§ 39-13-506(C) or 39-13-532, the statutes that form the basis for her negligence *per se* claim.

Ashton also files his Memorandum of Law in Support of this Partial Motion to Dismiss, which he incorporates by reference.

For the foregoing reasons and for those reasons outlined in his Memorandum of Law in Support of this Partial Motion to Dismiss, Ashton respectfully requests that the Court dismiss Ramsbottom's Count IV against him with prejudice.

Dated: July 15, 2021

Respectfully Submitted,

s/ Robert A. Peal

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and exact copy of the foregoing was served on the following counsel via the Court's CM/ECF system on this 15th day of July, 2021:

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